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To: Trialrules2015
Subject: Rules of Practice for Trials before the Patent Trials and Appeal Board

From: Office of Mark Terry, P.A.
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To whom it may concern:

In response to the August 20, 2015 Federal Register notice announcing a request for comments concerning Amendments to the Rules of Practice for Trials before the Patent Trials and Appeal Board, please see my comments below.

The proposed rules allow patent owners to submit new testimonial evidence with a preliminary response and permit petitioners to seek authorization to file a reply to a patent owner's preliminary response. This new rule would allow patent owners an early opportunity to provide what is often their best evidence during a reexam. This would allow both sides, and the Patent Office, to better assess the patent owner's position early in the case and may lead to earlier settlements or other final dispositions of a reexam.

As a patent attorney that practices in Miami, Florida, this issue is relevant for my practice, as I am currently prosecuting a reexam at the PTO and plan on filing more than half a dozen more in the near future. Having cost conscious clients, I strive to reduce their attorney's fee and push for a final disposition as quickly as possible.

In light of the above, our opinion is that the proposed rule is a good rule that would further judicial economy and reduce attorney's fees for the parties.

Sincerely,

Mark Terry

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